

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA
VERSUS
BRANDON MICHAEL MOSING

CRIMINAL NO. 20-CR-00161
JUDGE MICHAEL J JUNEAU
MAG. JUDGE WHITEHURST

REPORT AND RECOMMENDATION ON FELONY GUILTY PLEA
BEFORE THE UNITED STATES MAGISTRATE JUDGE

Pursuant to Title 28, United States Code, Section 636(b), and with the written and oral consent of the defendant, this matter has been referred by the District Court for administration of Guilty Plea, and Allocution under Rule 11 of the Federal Rules of Criminal Procedure.

This cause came before the undersigned U. S. Magistrate Judge for an initial appearance and a guilty plea hearing of the defendant, **BRANDON MICHAEL MOSING**, on September 2, 2020. For the proceeding, the prosecutor, defense counsel, and the court reporter all appeared by videoconference. The defendant appeared by videoconference from the detention facility where he is being held. The defendant consented in writing to appearing by videoconference, and both he and his lawyer explained they had discussed the matter. The defendant's image and voice were clear, and he could see and hear the proceeding clearly.

The matter proceeded without the defendant physically present because, during the national emergency created by the novel coronavirus, he could not be physically

present without seriously jeopardizing public health and safety. See Third Supplemental Order Regarding Court Operations Under Exigent Circumstances Created by the Covid-19 Pandemic and subsequent Orders (implementing Coronavirus Aid, Relief, and Economic Security Act, H.R. 748 [“CARES Act”], and March 27, 2020, action by Judicial Conference authorizing videoconferencing under certain circumstances). The plea was not postponed based on a finding that delay of the plea would cause serious harm to the interests of justice because delaying the proceedings further to accommodate an in-person plea is impracticable given that there is no ascertainable end to the current national emergency stemming from the Covid-19 virus. The court specifically found that interests of justice will seriously be harmed by prolonged, indefinite delays of the plea hearing in light of the defendant’s stated desire to plead guilty.

For the reasons orally assigned during the plea hearing, it is the finding of the undersigned that the defendant is fully competent, that his plea of guilty is knowing and voluntary, and his guilty plea to Count One and Count Two of the Bill of Information, is fully supported by a written factual basis for each of the essential elements of the offenses.

Therefore, the undersigned U.S. Magistrate Judge recommends that the District Court **ACCEPT** the guilty plea of the defendant, **BRANDON MICHAEL MOSING**, in accordance with the terms of the plea agreement filed in the record of these proceedings, and that **BRANDON MICHAEL MOSING** be finally adjudged guilty

of the offenses charged in Count One and Count Two of the Bill of Information.

The defendant has waived his right to file an objection to the Report and Recommendation.

THUS DONE AND SIGNED in chambers at Lafayette, Louisiana this 9th day of September, 2020.

A handwritten signature in black ink, appearing to read "Carol B. Whitehurst".

CAROL B. WHITEHURST
UNITED STATES MAGISTRATE JUDGE